

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, SEPTEMBER 13, 2005 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council may meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7540.

ITEM-300: ROLL CALL.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today’s docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under “Non-Agenda Public Comment.”

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUEST FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE ===

Noticed Hearings, Discussion

ITEM-330: Coronado Belt Line. (Otay Mesa/Nestor Community Plan Area. District 8.)

Matter of the appeal by Metropolitan Transit Development Board, from the decision of the Historical Resources Board in approving the designation of the Coronado Belt Line Railway.

CITY MANAGER'S RECOMMENDATION: Affirm, reverse, or modify the determination of the Historical Resource Board's designation of the Coronado Belt Line as a Historical Resource site, and make the appropriate findings in support thereof.

ITEM-331: Del Cerro Heights Upper Gate. (Navajo Community Plan Area. District 7.)

Matter of the appeal by Lisa Worley and Del Cerro Heights HOA regarding the Planning Commission's denial of a request by the Del Cerro Heights Homeowner's Association for Planned Development Permit No. 9812, Amending Planned Residential Development Permit No. 15, to allow controlled access/egress of an existing "emergency access only" gate by residents. Said gate is located adjacent to Pasatiempo Avenue.

CITY MANAGER'S RECOMMENDATION: Adopt the resolution in Subitem A to grant the appeal and overturn the decision of the Planning Commission and to grant the permit; and adopt the resolution in Subitem B.

=== LEGISLATIVE SCHEDULE (Continued) ===

Noticed Hearings, Discussion (Continued)

ITEM-332: River View Village Residential. (Navajo Community Plan Area. District 7.)

Matter of approving, conditionally approving, modifying or denying an application to/for - 1. Amend the Navajo Community Plan and the Progress Guide and General Plan for the City of San Diego to designate approximately 6.4-acres from light industrial use to single-family residential use; 2. Rezone approximately 6.4-acres from AR-1-2 (Agricultural-Residential) to RX-1-1 (Single-Family Residential – Small Lot); 3. A Tentative Map to subdivide an approximate 6.4-acre undeveloped parcel into 16 single-family residential lots and one open space lot; 4. A Planned Development Permit to allow development of 16 single-family residences incorporating limited deviations from Land Development Code regulations; and 5. A Site Development Permit to allow the subdivision of a premise containing environmentally sensitive lands. The property is located at the northerly terminus of Wembley Street, south of Mission Gorge Road, west of Princess View Drive, and north of Waring Road, legally described as Lots 3, 4 and 5 of the Subdivision of Lots 61, 62 and the easterly Portion of Lot 63 of the Rancho Mission of San Diego, according to Map No. 1550.

CITY MANAGER’S RECOMMENDATION: Adopt the resolutions in Subitems A and B; adopt the resolution in Subitem C to grant the map; adopt the resolution in Subitem D to grant the permits; and introduce the ordinance in Subitem E.

Adoption Agenda, Discussion, Other Legislative Items

ITEM-333: Two actions related to Fourth Amendment to the Agreement with URS Corporation and Expenditure of Funds for the Carmel Valley Road Enhancements Project. (Torrey Pines Community Area. District 1.)
CITY MANAGER’S RECOMMENDATION: Introduce the ordinance in Subitem A and adopt the resolution in Subitem B.

ITEM-334: Two actions related to Third Amendment to the Agreement with Dokken Engineering for Additional Professional Services and Expenditure of Funds for the Rigel Street Bridge Over Chollas Creek Project. (Barrio Logan Community Area. District 8.)
CITY MANAGER’S RECOMMENDATION: Introduce the ordinance in Subitem A and adopt the resolution in Subitem B.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Discussion, Other Legislative Items (Continued)

ITEM-335: Security General Requirements Contract 001.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

=== EXPANDED CITY COUNCIL AGENDA ===

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-330: Coronado Belt Line.

Matter of the appeal by Metropolitan Transit Development Board, from the decision of the Historical Resources Board in approving the designation of the Coronado Belt Line Railway.

(See City Manager Report CMR-04-196. Otay Mesa/Nestor Community Plan Area. District 8.)

CITY MANAGER'S RECOMMENDATION:

Affirm, reverse, or modify the determination of the Historical Resource Board's designation of the Coronado Belt Line as a Historical Resource site, and make the appropriate findings in support thereof.

TODAY'S ACTION IS:

(R-2005-)

Adoption of a resolution affirming, reversing, or modifying the determination of the Historical Resources Board's designation of the Coronado Belt Line as a Historical Resource site, and make the appropriate findings in support thereof.

OTHER RECOMMENDATIONS:

Historical Resources Board voted 9-1 on December 19, 2003, to approve the designation of the Coronado Belt Line Railway; was opposition.

Ayes: Sewell, Brooks, Burnett, Ahern, Chuang, Delawie, Lynch, Malone, Schaefer
Nays: Schwartz

CITY MANAGER SUPPORTING INFORMATION:

On December 19, 2003, the Historical Resources Board (HRB) of the City of San Diego held a noticed hearing to consider the historical site designation of the Coronado Belt Line (CBL), owned by the San Diego and Arizona Eastern Railway Company/Metropolitan Transit Development Board (MTDB). This railway is located within the Area of Potential Effect for the Bayshore Bikeway Project.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-330: (Continued)

CITY MANAGER'S SUPPORTING INFORMATION: (Continued)

At this December 19, 2003, hearing, the HRB designated the CBL Historic Landmark Site No. 640. This designation was based on the findings that it met the following HRB Criterion: A (Cultural Landscape) for the site's archeological value, as an example of the private capitalization of infrastructure, and for the site's significant contributions to the cultural, physical and economic development of San Diego; Criterion B (Historical Persons) for the site being representative of its association with historically significant individuals such as John D. Spreckels, Elisha Babcock and Hampton L. Story; and Criterion C (Architecture) for the sites retaining high integrity and being representative of railroad construction of the late 1800s as evidenced by the presences of circa 1890 Carnegie steel rails and other character defining features.

On January 6, 2004, an appeal of the historical designation was submitted by MTDB.

On September 7, 2004, The Council of the City of San Diego held a noticed public hearing to consider the appeal of the historical site designation of the CBL (reference CMR 04-196). At that September 7, 2004, hearing, the Council voted 7-1 to grant the appeal and overturn the decision of the HRB to designate the CBL as a Historical Resources Site.

The Save Our Heritage Organization (SOHO) sued the City and Council alleging Council abused its discretion by granting MTDB's appeal at the September 7, 2004, hearing because substantial evidence did not exist in the administrative records to support Council's decision. The Honorable Ronald S. Prager determined a ruling of whether substantial evidence exists in the administrative record to support Council's findings cannot be made at this time because the City council failed to adopt adequate findings to enable the court to decide the issue. As such, a Peremptory Writ of Mandate has been issued by the court ordering the City Council to set aside its prior decision to approve the MTDB appeal of the CBL Railway's historical standing.

Accordingly, the Court "now remands the matter to City Council to make the necessary findings pursuant to SDMC Section 123.0203(a) to uphold, overturn, or modify a determination about whether or not to rescind the Historical Resources Board's historical designation of the portion of the CBL in the City of San Diego." "Other considerations such as the Bayshore Bikeway Project, which are outside the scope of the present inquiry, should have no impact on this issue." The City Council shall consider the existing administrative record and may consider any further oral testimony it deems appropriate in making its determination.

Oppenheim/Goldberg/MTT

Staff: Michael Tudury (619) 533-6227

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: Del Cerro Heights Upper Gate.

Matter of the appeal by Lisa Worley and Del Cerro Heights HOA regarding the Planning Commission's denial of a request by the Del Cerro Heights Homeowner's Association for Planned Development Permit No. 9812, Amending Planned Residential Development Permit No. 15, to allow controlled access/egress of an existing "emergency access only" gate by residents. Said gate is located adjacent to Pasatiempo Avenue.

(See City Manager Report CMR-05-114. Navajo Community Plan Area. District 7.)

(Continued from the meeting of May 24, 2005, Item 334, at the request of Matthew Peterson, on behalf of Del Cerro Heights Homeowners Association, for further review.)

NOTE: There was no public testimony taken on May 24, 2005.

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in Subitem A to grant the appeal and overturn the decision of the Planning Commission and to grant the permit; and adopt the resolution in Subitem B:

Subitem-A: (R-2006-)

Adoption of a Resolution granting or denying the appeal, and upholding or overturning the decision of the Planning Commission and granting or denying Planned Development Permit No. 9812, with appropriate findings to support Council action.

Subitem-B: (R-2006-)

Adoption of a resolution certifying that Mitigated Negative Declaration Number No. 5937, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administration Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City Council;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

Subitem-B: (Continued)

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the Mitigated Negative Declaration;

That pursuant to California Public Resources Code Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment.

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

OTHER RECOMMENDATIONS:

Planning Commission on February 3, 2005, voted 5-0 to deny; was opposition.

Ayes: Steele, Garcia, Chase, Schultz, Otsuji

Not present: Ontai

The Navajo Community Planning Group has recommended approval of this project.

CITY MANAGER SUPPORTING INFORMATION:

The Del Cerro Heights Upper Gate PDP, Amending PRD No. 15, proposes to permit the modification of an existing gated entry for controlled access by residents. The development is located south of Camino Rico, west of Pasatiempo Avenue and east of Bernadette Lane, within the Navajo Community Plan Area.

In 1971, the City Council approved PRD No. 15, which allowed development of 230 dwelling units in the RS-1-7 and Hillside Review Overlay Zones. This development was approved with two access points, which include a main entry gate, "Lower Gate", at Camino Rico, and a second gated access, "Upper Gate", at Rancho Park Drive west of Pasatiempo Avenue. Due to neighborhood concerns regarding traffic impacts on existing streets, the Upper Gate was restricted for use to emergency vehicles only.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

CITY MANAGER'S SUPPORTING INFORMATION: (Continued)

In 1976, the City Council denied a request to allow use of the Upper Gate by residents, finding that no material change in circumstances had occurred since approval of the original permit, and that the opening of the Upper Gate would create more traffic on neighboring streets. In 1978 and 1979, amendments to PRD 15 allowed revisions in housing products types and resulted in a reduction of the total number of dwelling units from 230 to 179. These 179 units are existing.

In 1987, the Del Cerro Heights HOA filed an application to Amend PRD 15 to allow modification of the Upper Gate to allow general ingress and egress by residents of the development. The Planning Director's decision to deny the request was appealed to the Planning Commission. The Planning Commission denied the appeal of the Planning Director's decision, and the Upper Gate was required to remain available for emergency use only. The Planning Commission's decision was appealed to the City Council, which determined that there was no material change in circumstance, and affirmed the Planning Commission's decision to deny the appeal. The Upper Gate has remained restricted to emergency use only.

In 2003, the Del Cerro Heights HOA filed the current application for a PDP, again requesting that controlled access of the Upper Gate be permitted for residents. Guests and delivery vehicles would be restricted to using the Lower Gate located at the main entrance. The Applicant's request indicates that since the PRD was approved, there have been changes in circumstances, which warrant modification of the Upper Gate to allow controlled access. A copy of this information is included as Attachment 10.

On February 3, 2005, the Planning Commission voted 5-0 to deny the application for amendment. The Commissioners concluded that the property owner currently has the ability to install an emergency access gate providing ingress and egress, which would serve their needs as required by the existing PRD. Copies of the resolution of denial and the approved meeting minutes are included as Attachment 15 and 16 respectively.

On February 3, 2005, an adjacent property owner filed an appeal indicating that a gate associated with an 18-foot wide access easement leading to an existing City Reservoir has been locked. The easement is off-site to the PRD 15 boundary. This access easement has been improved with an asphalt roadway and leads from the terminus of Rockhurst Court public right-of-way (cul-de-sac), upward to an existing reservoir. This roadway is adjacent to an existing cul-de-sac within the Del Cerro Heights development (Caminito de la Taza) and is unrelated to the access issue from the Upper Gate. A copy of this appeal is included as Attachment 17.

On February 16, 2005, the Del Cerro Heights HOA filed a separate appeal indicating that the findings to deny the request were not supported. A copy of this appeal is included as Attachment 17.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

FISCAL IMPACT:

None with this action. All staff costs associated with processing this project are recovered from a separate deposit account provided and maintained by the Applicant.

Halbert/Frazier/WCT

LEGAL DESCRIPTION:

The 52-acre site is generally located west of Pasatiempo Avenue, between Rockhurst Court and Camino Rico, easterly of College Avenue, in the RS-1-7 (Single-Family Residential) Zone of the Navajo Community Plan Area. The project site is legally described as Del Cerro Heights, Units 1-4, Map Nos. 7586, 7923, 7924, and 7925.

Staff: Bill Tripp - (619) 446-5273.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: River View Village Residential.

Matter of approving, conditionally approving, modifying or denying an application to/for; 1. Amend the Navajo Community Plan and the Progress Guide and General Plan for the City of San Diego to designate approximately 6.4-acres from light industrial use to single-family residential use; 2. Rezone approximately 6.4-acres from AR-1-2 (Agricultural-Residential) to RX-1-1 (Single-Family Residential – Small Lot); 3. A Tentative Map to subdivide an approximate 6.4-acre undeveloped parcel into 16 single-family residential lots and one open space lot; 4. A Planned Development Permit to allow development of 16 single-family residences incorporating limited deviations from Land Development Code regulations; and 5. A Site Development Permit to allow the subdivision of a premise containing environmentally sensitive lands. The property is located at the northerly terminus of Wembley Street, south of Mission Gorge Road, west of Princess View Drive, and north of Waring Road, legally described as Lots 3, 4 and 5 of the Subdivision of Lots 61, 62 and the easterly Portion of Lot 63 of the Rancho Mission of San Diego, according to Map No. 1550.

(See City Manager Report CMR-05-168. MND/MMRP/CPA No. 7687/RZ No. 7686/TM No. 7685/PDP No. 7688/SDP No. 7689/Project No. 3938. Navajo Community Plan Area. District 7.)

(Continued from the meeting of August 9, 2005, Item 335, at the request of Councilmember Madaffer, for further review.)

NOTE: Hearing open. No testimony taken on August 9, 2005.

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and B; adopt the resolution in Subitem C to grant the map; adopt the resolution in Subitem D to grant the permits; and introduce the ordinance in Subitem E:

Subitem-A: (R-2006-84)

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration No. 3938 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Administration Code Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by the City Council;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: (Continued)

Subitem-A: (Continued)

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Mitigated Negative Declaration is hereby approved;

That pursuant to California Public Resources Code, section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto as Exhibit A, and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2006-83)

Adoption of a Resolution amending the Navajo Community Plan;

And amending the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

Subitem-C: (R-2006-)

Adoption of a Resolution granting or denying Tentative Map No. 7685, with appropriate findings to support Council action.

Subitem-D: (R-2006-)

Adoption of a Resolution granting or denying Planned Development Permit No. 7688 and Site Development Permit No. 7689, with appropriate findings to support Council action.

Subitem-E: (O-2006-10)

Introduction of an Ordinance changing 6.362 acres, located at the northerly terminus of Wembley Street, south of Mission Gorge Road, west of Princess View Drive, and north of Waring Road, in the Navajo Community Plan Area, in the City of San Diego, California, from the AR-1-2 (Agricultural-Residential) Zone (previously referred to as the A-1-1 Zone) into the RX-1-1 (Single-Family Residential) Zone, as defined by San Diego Municipal Code Section 131.0404; and repealing Ordinance No. O-18248 (New Series) adopted January 8, 1996, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: (Continued)

OTHER RECOMMENDATIONS:

Planning Commission on December 16, 2004, voted 6-0 to approve; was opposition.

Ayes: Steele, Ontai, Lettieri, Chase, Garcia, Otsuji

Not present: Schultz

The Navajo Community Planning Group on April 21, 2003, voted 13-2-0 to recommend approval of the project.

CITY MANAGER SUPPORTING INFORMATION:

In 1995, the City Council approved Planned Industrial Development, Hillside Review and Resource Protection Overlay Zone (PID/HRP/RPOZ) Permit No. 88-0794, the Mission Trails Industrial Park Project. This approval allowed the subdivision of a 48-acre site for development as a light-industrial park, located on the south side of Mission Gorge Road between Princess View Drive and Old Cliffs Road. A copy of the recorded Permit No. 88-0794 is included as Attachment 16. This development resulted in a 6.36-acre remainder parcel located at a southerly corner of the development, which was not a part of the PID/HRP/RPOZ Permit No. 88-0794. This parcel has remained undeveloped and is the subject of the current development application. The parcel has remained designated for light-industrial use in the Navajo Community Plan. However, the site is zoned AR-1-2, which would allow for a maximum of six dwelling units. The project proposal includes a request to amend the Navajo Community Plan to designate the site from light-industrial to single-family residential land use, and to rezone the property to RX-1-1, which would allow residential development of a maximum of 16 units.

The subject property is located at the terminus of Wembley Street, south of Mission Gorge Road and west of Princess View Drive, and north of Fontaine Street, within the Allied Gardens neighborhood. The proposed residential development is located in the southwest corner of the site and would occupy approximately 3.4-acres (one-half) of the property area. The remaining northwest portion of the parcel will remain undeveloped as a privately owned and maintained open space easement.

Surrounding land uses consist of commercial and warehouse development to the north and northwest (Mission Trails Industrial Park); commercial, undeveloped, and an elementary school uses to the east; and the Allied Gardens residential neighborhood located to the south and east of the site. The project site is not within or adjacent to the City's Multi-Habitat Planning Area (MHPA).

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-332: (Continued)

FISCAL IMPACT:

All staff costs associated with processing this project are recovered from a separate deposit account provided and maintained by the Applicant.

Oppenheim/Halbert/WCT

LEGAL DESCRIPTION:

The project is located at the northerly terminus of Wembley Street in the Navajo Community Planning Area (Assessors Parcel Number 455-030-23, Lots 3, 4, and 5 of the subdivision of Lots 61, 62 and the easterly portion of Lot 63 of the Rancho Mission of San Diego, in the City of San Diego, State of California, according to Map No. 1550.

Staff: Bill Tripp - (619) 446-5273.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

ITEM-333: Two actions related to Fourth Amendment to the Agreement with URS Corporation and Expenditure of Funds for the Carmel Valley Road Enhancements Project.

(Torrey Pines Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2006-20)

Introduction of an Ordinance authorizing the City Manager to execute a Fourth Amendment (Fourth Amendment) to Agreement RR-288869 with URS Corporation, to revise staging and traffic control plans and provide construction support services, under the terms and conditions set forth in the Fourth Amendment, in an amount not to exceed \$111,360;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$111,360 from CIP-52-517.0, Carmel Valley Road Enhancements Project, Fund 30300, TransNet, for the purpose of funding the Fourth Amendment, contingent upon the City Auditor and Comptroller first certifying that the necessary funds are on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-B: (R-2006-95)

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2006 Capital Improvements Program Budget by \$400,000 in CIP-52-517.0, Carmel Valley Road Enhancements Project, Fund 79527, Torrey Pines Development Impact Fee;

Authorizing the City Auditor and Comptroller to appropriate and expend \$400,000 from CIP-52-517.0, Carmel Valley Road Enhancements Project, Fund 79527, Torrey Pines Development Impact Fee for the purpose of project construction, contingent upon the City Auditor and Comptroller certifying that the necessary funds are on deposit in the City Treasury;

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:
(Continued)

ITEM-333: (Continued)

Subitem-B: (Continued)

Authorizing the City Manager to re-advertise for bids, and award the construction contract to the lowest responsible bidder for the construction of the Carmel Valley Road Enhancements Project, contingent upon the City Auditor and Comptroller certifying that the necessary funds are on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Carmel Valley Road is a two lane collector that runs in an east-west direction, parallel to the Los Penasquitos Lagoon. This area is heavily used by local residents, commuters as well as visitors to the lagoon and the Torrey Pines Beach. This project will enhance the .9 mile stretch between Via Mar Valle and Portofino Drive. Improvements consist of added bike lanes, sidewalk on the north side, 4 foot pedestrian walkway on the south side, parking lanes, asphalt pavement repair, undergrounding of utilities, new street lights, and installation of curbs, gutters, pop-outs, storm drains and landscaping.

On September 27, 2004, the City Council approved the plans, specifications, advertising, and funding for construction of Carmel Valley Road Enhancements Project. The bids were opened on October 7, 2004, with three bids submitted. All bids were in excess of the engineer's estimate of \$3,165,359, mainly due to the increase in construction cost (both materials and labor) and the difficulty with traffic control and environmental restrictions. In order for this project to move forward, staff obtained community approval to revise traffic control plans to allow for contractors to be more efficient. In addition, staff also received an approval from the Torrey Pines Community Planning Board to utilize \$400,000 in Development Impact Fee towards the construction of this project.

In 1997, the City entered into an Agreement with URS Corporation to provide preliminary design and environmental assessment for this project (R-288869). Subsequently in 1998 and 2000, the City executed the First and Second Amendment to the Agreement for the preliminary design and environmental document preparation (R-290645 and R-293830). The Third Amendment to the Agreement was executed in 2002 to provide final design services and is on file in the Office of the City Clerk as Document No. R-296199. This Fourth Amendment to the Agreement is needed to revise the traffic control plans and provide support during construction.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:
(Continued)

ITEM-333: (Continued)

FISCAL IMP ACT:

The current appropriation for this project is \$5,966,833, previously authorized by Resolutions R-288869, R-290645, R-293830, R-296199, and R-296681. The additional funding required for this project is \$400,000, available in Fund 79527, Torrey Pines Development Impact Fee.

The total fee for providing services under this amendment is \$111,360. The base fee is \$106,360 and \$5,000 is available for additional services, if required. Total consultant agreement will be \$1,286,360. Funds are available in Fund 30300, TransNet, CIP-52-517.0, Carmel Valley Road Enhancements.

Mendes/Boekamp/DZ

Aud. Cert. 2600061.

Staff: Dave Zoumaras – (619) 533-3138
Jeremy A. Jung – Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:
(Continued)

ITEM-334: Two actions related to Third Amendment to the Agreement with Dokken Engineering for Additional Professional Services and Expenditure of Funds for the Rigel Street Bridge Over Chollas Creek Project.

(Barrio Logan Community Area. District 8.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2006-19)

Introduction of an Ordinance authorizing the City Manager to execute the Third Amendment to the Agreement with Dokken Engineering for additional professional services (Third Amendment), under the terms and conditions set forth in the Third Amendment to the Agreement, in an amount not to exceed \$6,300;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$6,300 from CIP-52-661.0, Rigel Street Bridge Over Chollas Creek, Fund 30300, TransNet, for the purpose of funding the Third Amendment, contingent upon the City Auditor and Comptroller first certifying that the necessary funds are on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

Subitem-B: (R-2006-92)

Authorizing the City Manager to apply for and accept \$109,632 from the Highway Bridge Rehabilitation and Replacement Program for additional construction funding for CIP-52-661.0, Rigel Street Bridge Over Chollas Creek, Fund 38729, Highway Bridge Rehabilitation and Replacement Program;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2006 Capital Improvements Program Budget for CIP-52-661.0, Rigel Street Bridge Over Chollas Creek, by \$109,632 in Fund 38729, Highway Bridge Rehabilitation and Replacement;

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:
(Continued)

ITEM-334: (Continued)

Subitem-B: (Continued)

Authorizing the City Auditor and Comptroller to appropriate and expend \$109,632 from CIP-52-661.0, Rigel Street Bridge Over Chollas Creek, Fund 38729, Highway Bridge Rehabilitation and Replacement, for the purpose of constructing the Rigel Street Bridge over Chollas Creek, contingent upon receipt of an FNM-76 (Version E-76) Caltrans Funding Authorization and upon the City Auditor and Comptroller certifying that the necessary funds are on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The proposed project will replace the Rigel Street Bridge over Chollas Creek with a new bridge approximately 62 feet in length. The existing bridge was closed due to structural failure and is in need of immediate replacement. This project will provide a two span concrete bridge including approach roadways and associated drainage improvements.

On February 2, 2004, the City Council approved the plans, specifications, advertising, and funding for construction of the Rigel Street Bridge over Chollas Creek. The bids were opened on September 24, 2004, and all were in excess of the engineer's estimate due to sharp increases in construction costs. The project was re-advertised and bids were opened again on February 16, 2005, with the low bid still over the revised engineer's estimate. It is necessary to apply for additional funding in order to make up the difference. This action allows the City Manager to apply for and accept additional Highway Bridges Rehabilitation and Replacement funds of \$109,632.

On November 19, 1998, the City entered into an Agreement with Dokken Engineering for the design of Rigel Street Bridge Replacement Project, Document No. C-09077. The First Amendment to the Agreement was executed on February 11, 2000, for additional environmental and design services, Document No. C-09881. The Second Amendment to the Agreement was executed on July 28, 2004, for additional services to meet Storm Water Pollution Control requirements, Document No. C-12767. This Third Amendment to the Agreement is needed to provide additional construction support services due to unanticipated costs associated with re-bidding the project.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:
(Continued)

ITEM-334: (Continued)

FISCAL IMPACT:

The estimated total project cost is \$2,229,167; of this amount, \$2,119,535, has been previously authorized (R-298832, R-300521). The additional funding required for this project is \$109,632, which is available in Fund 38729, Highway Bridge Rehabilitation and Replacement.

The fee for providing services under this amendment is \$6,300. Total consultant agreement will be \$191,527. Funds are available in Fund 30300, TransNet, CIP-52-661.0, Rigel Street Bridge Over Chollas Creek.

Mendes/Boekamp/DZ

Aud. Cert. 2600060.

Staff: Dave Zoumaras – (619) 533-3138
Jeremy A. Jung – Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-335: Security General Requirements Contract 001.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-82)

Approving the plans and specifications for the implementation of the Security General Requirements Contract 001 for security upgrade for water related facilities in an amount not less than \$50,000 and not to exceed \$5,000,000, and a contract duration not to exceed two years, as advertised by Contract Services, on Work Order No. 021003;

Authorizing the City Manager after advertising for bids in accordance with law, to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$5,000,000, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$5,000,000 from Water Fund 41500 solely and exclusively for the purpose of providing funds for the Water Department Security General Requirements Contract and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K062962C)

CITY MANAGER SUPPORTING INFORMATION:

The objective of this Security General Requirements Contract (Security GRC) is to continue executing security upgrades on facilities essential to the production and distribution of potable water in an expeditious and cost effective manner. During the past four (4) years, ADT Security Services, Inc., has been providing Water Department security upgrades through a contract with the Purchasing Department. However, ADT's contract will expire on September 11, 2005, and there is a need to continue implementing security upgrades.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-335: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

The Water Department has found the GRC procurement approach to be cost effective and expeditious. The Security GRC contractor will continue to upgrade critical water facilities that were identified in the Vulnerability Assessment (VA) report dated December 31, 2002. The VA report, which recommended upgrades to our most critical water facilities, was Federally mandated by the EPA.

The Water Department will conduct a pre-qualification process to ensure that eligible companies have the necessary expertise in designing, installing and maintaining modern security systems. A pre-qualification process is necessary due to the specialty nature of the equipment and the implementation of the latest software and detection technology. As mandated by EPA, the Water Department needs to continue the effort to protect our facilities in the most expeditious manner. The Security GRC will utilize a pre-approved bid list in order to expedite installation of recommended security upgrades.

It is imperative to control information related to the design, location, and operation of the security systems. Working with a single Security GRC contractor is most appropriate given the sensitive nature of security systems. It is not in the best interest of the City of San Diego to publicly advertise, bid, and award each component of the security system. Working with the Security GRC will ensure that a highly qualified company will perform the work while minimizing the disclosure of sensitive, security related information.

Environmental Impacts: Approval of this GRC is an administrative action and therefore exempt from CEQA. Individual projects proposed under the GRC would be subject to environmental review, similar to the current GRC approval process.

FISCAL IMPACT:

The total authorized to expend is \$5,000,000. Funds for this purpose will be available in the FY2006, FY2007 and FY2008 budgets as needed. The maximum work to be authorized for each Security GRC task order shall not exceed \$500,000 except in case of an emergency affecting health, safety, or property or when authorized by City Council.

Mendes/Belock/AE

Staff: Vic Bienes – (619) 533-6600
John F. Kirk – Deputy City Attorney

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT